



STATE OF MAINE
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Maine State Police
Traffic Safety
20 State House Station
Augusta, Maine
04333-0020

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To Whom it may concern,

Please accept this general correspondence as the Maine State's Polices response to the numerous Mitsubishi Delica and other related inquiries of non-conforming vehicles. Due to the high number of inquiries it is more efficient for me to respond to all of you at once. Sorry for the lack of personalization and if I miss any of your specific questions. You will find relevant portions of rules and laws pertinent to this discussion copied and pasted throughout my response for your convenience.

First let me start by saying, we agree with the Bureau of Motor Vehicles' (BMV) decision to request that all registrations for any non-conforming vehicles be recalled immediately. The law (Title 29-A section 354) doesn't allow for vehicles to be registered for highway use if they are "off road vehicles" as defined by Title 29-A section 101 subsection 47-A. Statute also prohibits the operation of "off road vehicles" on a public way, per Title 29-A section 2092. Having said that, this isn't specifically about the Mitsubishi Delica, this pertains to any vehicle that meets the definition of an "off-road vehicle." As you will read in the law copied below, vehicles that don't meet the inspection standards of Chapter 15 and that are not a mopeds or motorcycles are considered "off road vehicle(s)."

47-A. Off-road vehicle. *"Off-road vehicle" means a motor vehicle that, because of the vehicle's design and configuration, does not meet the inspection standards of chapter 15 and that is not a moped or motorcycle.*
[PL 2005, c. 577, §6 (NEW).]

§354. Off-road vehicles
Off-road vehicles may not be registered in accordance with this Title. [PL 2005, c. 577, §8 (NEW).]

§2092. Operation of off-road vehicles

1. Operation prohibited. Unless the specific type of off-road vehicle is authorized to be operated on a public way by this or any other Title, an off-road vehicle may not be operated on a public way or parking area.

[PL 2005, c. 577, §34 (NEW).]

2. Violation. A person who operates an off-road vehicle in violation of subsection 1 commits a traffic infraction.

[PL 2005, c. 577, §34 (NEW).]

SECTION HISTORY

PL 2005, c. 577, §34 (NEW).

So, the real question that needs to be answered when evaluating the current law is, does the vehicle meet the standards set forth in the Maine Motor Vehicle Inspection Manual (MMVIM)? If the vehicle does not meet the standards set forth in the MMVIM it cannot be registered or operated on a public way. The MMVIM carries the weight of law, as Title 29-A section 1769 grants authority to the Chief of the Maine State Police to adopt rules for the administration and enforcement of Chapter 15. The MMVIM are those rules promulgated by that statute and The Maine Administrative Procedure Act. The BMV is obligated to recall any registrations that are issued to vehicles improperly or illegally, once the issue is brought to their attention. To assert that you have already registered a vehicle one or more times is not a defense to a clear violation of law. Also, to assert that vehicle has passed an inspection one or more times is not accurate, it may have received an inspection sticker in error, but it couldn't have passed an inspection if the vehicle does not meet the Federal Motor Vehicle Safety Standards, The EPA pollutant requirements, or the NHTSA DOT crash testing standards. A vehicle registered in error (contrary to law) or a vehicle that received an inspection sticker in error does not guarantee the owner of the vehicle rights to operate an "off road vehicle" on a public way. Once the error is discovered it must be remedied by immediately withdrawing the registration and removing the inspection sticker. The BMV nor the State Police has the authority to allow anyone to violate the law, so we cannot grant exceptions or grant extensions. This decision is not based on new laws or rules nor is arbitrary or capricious. The laws governing "off road vehicles" has been on the books for over a decade. There have been several instances over the years that I am aware of, where BMV has been forced to withdraw registrations based on similar circumstances.

MMVIM

16 DEPARTMENT OF PUBLIC SAFETY

222 BUREAU OF STATE POLICE

SECTION 170: CLASSES A & E MOTOR VEHICLE INSPECTION STANDARDS

SUMMARY: This section describes the inspection procedures, standards, and parts of the vehicle that must be inspected for class A and E vehicles. This section also establishes the standards for rejecting the vehicles for inspection. All vehicles inspected in the State of Maine must have met all applicable Federal Motor Vehicle Safety Standards, Environmental Protection Agency pollutant requirements and National Highway Traffic and Safety Administration crash testing requirements at the time of manufacture, unless otherwise authorized by law.

The legal process through NHTSA to import these vehicles into the country is irrelevant. That is a federal exemption for importation but does not affect the laws of each state that govern the registration and inspections of said vehicles.

In closing, the legislature this year voted to enact LD 1433 which added clarity to the law that already existed and strengthens our opinion. It is worth repeating, that bill does not change the current law, it only added language to the definitions in statute to clarify what an "off road vehicle" is. It further clarifies that an "off road vehicle" can't be registered as an antique auto, antique motorcycle, a custom vehicle or a passenger car. That law becomes effective on October 18th this year but doesn't change the current requirements and therefore waiting until October 18th to comply is not an option that can be offered by the BMV or the State Police.

With respect,

Lt. Bruce Scott

Lt. Bruce Scott
Commander, Traffic Safety Unit
Maine State Police

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March 16, 2023

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Representative Lynne Williams, Chair
131st Legislature
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100 State House Station
Augusta, ME 04330

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Re: Testimony in support of L.D. 63, An Act to Clarify That Certain Imported Motor Vehicles Are Not Off-road Vehicles

Dear Senator Chipman, Representative Williams and members of the Transportation Committee:

On behalf of the Specialty Equipment Market Association (SEMA), I am writing to express support for L.D. 63 (Rudnicki), which would allow legally imported vintage foreign market vehicles to receive a registration for on-highway use in Maine.

In 2021, the Bureau of Motor Vehicles (BMV) began sending letters to the owners of Mitsubishi Delica vans informing them that their registration had been canceled and that they were to surrender their license plates within a few weeks' time. The authority cited in the letters was 29A MRSA 354, which stipulates that off-road vehicles may not be registered for on-road use. This left vehicle owners confused and befuddled, as their vans had no problem passing BMV inspection in the previous year.

So, what changed? In 2021, the definition of off-road vehicle was amended (LD 1433) to include reference to federal safety and emissions standards. These standards were cited in BMV's letters as the reason why the vehicle in question could not be registered in Maine.

While BMV asserted in another letter to impacted vehicle owners that the 2021 bill simply clarified existing law to reflect inspection standards already in use, it made another notable change, which was to prevent off-road vehicles from being registered as an antique or another hobbyist designation.

This is problematic for two reasons.

First, federal law exempts imported vehicles, such as the Delica, that are at least 25 years old from federal safety standards and those that

1575 S. Valley Vista Dr.
Diamond Bar, CA 91765-3914

909-610-2030

E-mail: sema@sema.org
Website: www.sema.org

are at least 21 years old from emissions standards. Thus, holding vintage imports to federal regulations would not be appropriate.

Second, while states are not required to register such imported vehicles for use on public roads, it is noteworthy that Maine already exempts vintage vehicles from inspection. Under current law, an antique vehicle is defined as one being made after 1916 and is at least 25 years old, well maintained, and not used for primary transportation. However, the same 2021 law also amended the definition of antique vehicles to prevent offroad vehicles from being registered in such a manner.

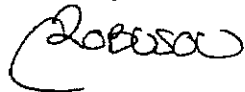
If federal law exempts vintage imported vehicles from federal emissions and safety standards and the state already provides a pathway for antiques of the same vintage to be exempt from inspection, why not imported vehicles?

Make, no mistake, SEMA is not advocating that unsafe vehicles be allowed on Maine's roads. However, simply because a vehicle was imported from another country, it should not be automatically classified as an off-road vehicle. LD 63 is a commonsense solution to this problem and SEMA respectfully requests your support.

Representing the \$51 billion specialty automotive industry, SEMA is a trade association made up of approximately 7,000 mostly small businesses nationwide, including 18 in Maine. These companies manufacture, market, and sell specialty automotive aftermarket products, including appearance, performance, comfort, convenience, and technology products for motor vehicles.

If you have any questions, or require additional information please feel free to contact me by phone at (202) 794-8279 or by e-mail at christianr@sema.org.

Sincerely,



Christian Robinson
Senior Director, State Government Affairs & Grassroots
Specialty Equipment Market Association

